IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

OP.No. 30901 of 2001(S)

(O.A.NO.675/1999 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM)

PETITIONER:

K.V.POULOSE, S/O. K.P. VARGHESE, AGED 47 YEARS,
RESIDING AT KARIKKOTTIL HOUSE,
NJAYAPPILLY, KOTHAMANGALAM,
PIN 686 691.

BY ADV. SRI.M.R.RAJENDRAN NAIR (SR.)
SRI.R.SREERAJ
SRI.HARIRAJ
SMT.POOJA MOHAN

RESPONDENTS:
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1. THE SUPERINTENDENT OF POST OFFICES,
IDUKKI DIVISION, THODUPUZHA.

2. THE DIRECTOR OF POSTAL SERVICES,
CENTRAL REGION, KOCHI - II.

3. THE POST MASTER GENERAL, CENTRAL REGION,
KOCHI -II.

4. UNION OF INDIA, REP. BY THE SECRETARY TO
GOVERNMENT OF INDIA,
MINISTRY OF COMMUNICATIONS,
NEW DELHI.

R1 TO R4 BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JOHN VARGHESE, SCGSC
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIOENR'S EXTS:

EXT.P1: TRUE COPY OF THE MEMO OF CHARGES NO.F6-1/95-96 DATED 27-9-95 ISSUED BY THE IST RESPONDENT TO THE PETITIONER.

EXT.P2: TRUE COPY OF THE ENQUIRY REPORT DATED 15-9-1996 ISSUED BY THE INQUIRY AUTHORITY AND ASP THODUPUZHA SUB DIVISION, THODUPUZHA VIDE LETTER NO.F6-1/95-96 DATED 7-10-91.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 2-11-1996 SUBMITTED BY THE PETITIONER TO THE IST RESPONDENT.

EXT.P4: TRUE COPY OF THE ORDER NO.F6-1/95-96 DATED 30-1-1997 ISSUED BY THE IST RESPONDENT TO THE PETITIONER.

EXT.P5: TRUE COPY OF THE APPEAL DATED 20-3-1997 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P6: TRUE COPY OF THE ORDER NO.SI/7-13/97 DATED 23-6-1997 ISSUED BY THE 2ND RESPONDENT TO THE PETITIOENR.

EXT.P7: TRUE COPY OF THE REVISION PETITION DATED 17-11-1997 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXT.P8: TRUE COPY OF THE ORDER NO.ST/8-20/97 DATED 27-4-1998 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P9: TRUE COPY OF THE REPLY STATEMENT DATED 14-3-2001 FILED BY THE RESPONDENTS IN O.A. NO.675/1999 BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXT.P10: TRUE COPY OF THE FINAL ORDER DATED 10-9-2001 IN O.A.NO.675/1999 ON THE FILE OF THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM BENCH.

//TRUE COPY//

K.S.RADHAKRISHNAN
& V.K.MOHANAN, JJ

O.P.NO. 30901 of 2001

Dated this the 3rd day of August 2007

JUDGMENT

Radhakrishnan, J.

O.P.was filed against the order passed by the Central Administrative Tribunal, Ernakulam in O.A. No. 675/1999. Petitioner was dismissed from service after initiating disciplinary proceedings. The disciplinary authority found the petitioner guilty of shortage of cash and imposed him the penalty of removal from service as per A5 order. Petitioner was working as BPM, Kuttampuzha, since 1-9-90. As Branch Post Master, he was supposed to open the Post office and discharge the duties of the BPM. In case he was not well, as claimed, he could have taken leave nominating his own substitute in anticipation of approval by the leave sanctioning authority. Instead of that he had directed the EDDA to work as BPM which was not permitted under the ED Rules, and he entrusted the office cash and stamp balances to the EDDA. The entire responsibility of keeping the office cash

was that of the petitioner and he had no authority to entrust the same to the EDDA. The evidence adduced shows that he was instrumental for shortage of cash and all the fact finding authorities found it concurrently. In such circumstances, he was dismissed from service.

We find no reason to interfere with the steps taken by the authorities. Appeal is therefore dismissed.

K.S.RADHAKRISHNAN, JUDGE.

V.K.MOHANAN, JUDGE.

Kvm/

K.S.RADHAKRISHNAN & .

V.K.MOHANAN, JJ.

O.P.30901/2001.

Judgment

Dated 3-8-2007.: